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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,875	03/12/2001	Ulrich Becker	19252	5656

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EXAMINER

ROSALES HANNER, MORELLA I

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,875

Applicant(s)

ULRICH BECKER et al.

Examiner

Morella I Rosales-Hanner

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-20-2001</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1 – 5 are pending and have been examined.

Information Disclosure Statement

2. The office acknowledges receiving form PTO/SB/08A (10-96) filed on April 20th 2001. A copy of this form, with the Examiner's signature and initials next to each citation considered during examination, will be mailed with this office action.

Drawings

3. **Drawings 1 – 3** are objected to because they are in German and are partly (Figs 2 – 3) or fully (Fig. 1) illegible. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. ***Claim Rejections - 35 USC § 112***

- 4.1 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4.1.1 Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that

claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "Token" in **claims 1 – 5** is used by the claims to mean partial objects with attributes while the accepted meaning is "any no reducible textual element in data that is parsed". The term is indefinite because the specification does not clearly redefine the term. While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. This is necessary in order to insure certainty in construing the claims in the light of the specification, *Ex parte Kotler*, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01(i) and § 1302.01.

4.1.2 Claims 1 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. As regard to **claim 1**, this claim recites [line 5] the term "tokens" mounted on a "**mounting rail**" which is a physical structure. Virtual objects, such as tokens, cannot be mounted on physical objects, such as a mounting rail. Applicant is required to amend accordingly or take other appropriate steps to correct these deficiencies.

4.1.3 Claim 3 is rejected under 35 U.S.C. 112, second paragraph, the claim recites the limitation "...**the simulation**..." in line 3. There is insufficient antecedent basis for this

limitation in the claim since this limitation hasn't been claimed. Applicant is required to amend accordingly or take other appropriate steps to correct these deficiencies.

4.1.4 Claim 5 is rejected under 35 U.S.C. 112, second paragraph, the claim recites the limitation "...**the physical properties represented by the tokens...**" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim interpretation

5. It is noted that the instant application appears to be directed to a Computer Aided Design (CAD) system where the individual part details are acquired as tokens and are stored in a library of parts as part of a databank and the system is implemented in an object oriented environment.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2123

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.1 Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **U.S. Patent No. 5,552,995** issued to Donald H. Sebastian, hereafter referred to as *Sebastian* in view of **U.S. Patent No. 5,318,461** issued to Frikkee et al. hereafter referred to as *Frikkee* in further view of Applicant's own admission. These claims are drawn to designing an electrical power distribution system using a software program by:

- displaying, on a computer display screen, a photo realistic visual image of individual terminal blocks and electrical modules in the form of tokens mounted on a mounting rail;
- retrieving and displaying individual terminal blocks, as the smallest possible graphic element on the computer screen, from a data storage bank containing a memory space; and
- using variables as the physical properties represented by tokens.

Sebastian teaches [**Figs. 6, 8 and accompanied text**] a computer-based engineering design system that:

- utilizes a feature library and outputs the design to a screen system [computer display screen];
- retrieves part-feature templates ("**smallest graphic element possible**") from a data bank (stored in memory) and displays individual part feature [Col 11, lines 27

– Col 13 line 13].

- Using feature templates that includes form information that represents a parameterized (variables) primitive geometry entity having the form of the primitive object of the feature template.

Sebastian further teaches [col 1, lines 62 s– 66] that computer tools exist to help designers carry out their function in the design process and for creating two and three-dimensional drawings (visual images) of parts to be designed.

Sebastian does not expressly teaches outputting a photo realistic visual image of terminal blocks.

Frikkee teaches [Figs 1 – 3 and accompanied text] visual images of terminal blocks.

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of the invention, to take the computer-based engineering design systems as taught by *Sebastian* and modify it to design a visual image of individual terminal blocks in order to help a designer carry out his/her function in the design process and create visual representation of terminal block. Furthermore, by Applicant's own admission [Pg 1, lines 17 – 22] processes for photo realistic illustration of mounting rail in-line assemblies, which employ a list of suitable components and generates a graphical display from the component availability list (library of parts), are well known.

Conclusion

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **U.S. Patent No. 5,544,348** issued to *Umeda et al.*;

Response Guidelines


8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Morella Rosales-Hanner whose telephone number is (703) 305-8883. The examiner can normally be reached Monday-Friday from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 703 305-9704. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MRH

April 28, 2004



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER